

AMENDMENT

Serial No.: 10/709,579

Application of: Lenard K. Deiterman

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REMARKS

1. The Examiner has allowed Claims 14-21 and 33-37.
2. The Examiner has objected to Claims 4-7, 9-10, 25-26, 28-29 which have been rewritten and are now believed to be allowable.
3. The Examiner has rejected Claims 1, 3, 13, 22 and 24 as being obvious over Baumann in view of Ohishi. Applicant respectfully disagrees with this rejection for the following four reasons:

A. If Baumann were combined with Ohishi as suggested by the Examiner, such combination would not be the claimed invention.

The drip cover of the claimed invention is designed to protect a vertically mounted motor. The motors shown in Baumann and Ohishi are shown in a horizontal position. There is no structure shown in Baumann or Ohishi that would allow these devices to be reoriented to the vertical position as required by amended Claims 1 and 22.

B. If combined as suggested by the Examiner there is no motivation to reorient the drive shafts into a vertical orientation.

In Fig. 1 of Baumann, the base 12 for mounting the motor requires a horizontal orientation of the drive shaft 25 (See col. 2, lines 40-44). Therefore the explicit teaching of Baumann is away from a vertically mounted motor.

C. If combined and reoriented as suggested by the Examiner, Baumann and Ohishi would not function properly in a wet environment as required by the present invention.

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The present invention is a Drip Cover for a Floor Polishing Machine. When operators are polishing or scrubbing the floor, water, soap and other liquids are used to clean the floor surface. The present invention orients the inlet for cooling air for the motor as far away from the floor as possible, as shown in Fig. ___ of the present patent application. In Fig. 5 of Baumann, the flow path of the cooling air is shown by the flow arrows. If Baumann were reoriented so the drive shaft was pointed down, the inlet openings 33 for the cooling air (See col. 3, lines 44-49) would be close to the floor and would be susceptible to sucking in liquids. If liquids were sucked in they would follow the flow path of Fig. 5 in Baumann and ultimately short out the motor. Therefore the combination suggested by the Examiner will not function as suggested as a floor cleaning machine in a wet environment.

D. Baumann and Ohishi are not structurally compatible.

Fig. 2, 3, 6, 7 and 9 of Ohishi show copper leads 10a and 10 b (See col. 3, lines 54 and 55) connected to brushes 8a and 8b (See col. 5, lines 49 and 50). There are no brushes or copper leads shown in Baumann. Therefore there is no guidance from these references to make the combination suggested by the Examiner. One is left to speculate in hindsight where to make the electrical connection suggested by the Examiner. Such hindsight and conjecture is not permissible. For example if the connection were attempted near the bearing 26, such further components would obstruct the air flow path of Fig. 5 in Baumann.

4. Notwithstanding these arguments, Applicant has amended independent claims 1 and 22 to overcome the rejections. These amended independent claims are believed to be in condition for

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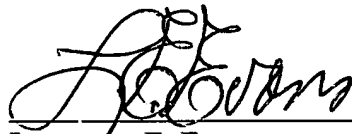
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allowance. Therefore, the dependent claims would also be in condition for allowance which is respectfully requested.

If any issue regarding the allowability of any of the pending claims in the present application could be readily resolved, or if other action could be taken to further advance this application such as an Examiner's amendment, or if the Examiner should have any questions regarding the present amendment, it is respectfully requested that the Examiner please telephone Applicant's undersigned attorney in this regard.

Respectfully submitted,

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